

Translation

PATENT COOPERATION TREATY

PCT/JP2004/011246



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference F588PCT	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/JP2004/011246	International filing date (<i>day/month/year</i>) 05 August 2004 (05.08.2004)	Priority date (<i>day/month/year</i>) 08 August 2003 (08.08.2003)
International Patent Classification (IPC) or national classification and IPC H01M 4/48, 4/58, 4/02, 10/40		
Applicant SANYO ELECTRIC CO.,LTD.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☐ (*sent to the applicant and to the International Bureau*) a total of _____ sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☒ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 07 February 2005 (07.02.2005)	Date of completion of this report 14 March 2005 (14.03.2005)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:

- ☐ international search (under Rules 12.3 and 23.1(b))
☐ publication of the international application (under Rule 12.4)
☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ The international application as originally filed/furnished

☐ the description:

pages _____, as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ the claims:

pages _____, as originally filed/furnished

pages* _____, as amended (together with any statement) under Article 19

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ the drawings:

pages _____, as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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International application No.

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	4	YES
	Claims	1-3, 5-8	NO
Inventive step (IS)	Claims	4	YES
	Claims	1-3, 5-8	NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

[List of Documents] The following document was cited in the ISR.

1. JP, 2003-31219, A (Yuasa Corp.), January 31, 2003 (01.31.01), Claims 1-7, Paragraphs 0018-0025, etc. (Family: none)

[Explanation]

The inventions of claims 1-3 and 5-8 do not appear to be novel or involve an inventive step based on the descriptions in document 1. Document 1 (paragraph 0025) describes further including Zr in an LiMnNiCoO_2 positive electrode active substance. As document 1 suggests using a composite oxide equivalent to that in the present invention as a positive electrode active substance, it can be deduced the various properties of active material-derived substances, if measured, would naturally lead to equivalent conditions. Also, the capacity ratio between positive electrode and negative electrode includes at least the range of same capacity; therefore, such requirement is naturally fulfilled with any further specific consideration.

The novelty and inventive step of the invention of claim 4 cannot be refuted based on the descriptions in document 1. Document 1 describes adding Zr to a composite oxide. However, it does not suggest giving consideration to specific ratio, nor does it suggest the effects set forth in the specification from adopting such addition ratio.

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Box No. VI Certain documents cited

1. Certain published documents (Rule 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
JP 2004-6229 A (E, X)	(08.01.2004)	(09.12.2002)	(07.12.2001)
JP 2004-161526 A (E, X)	(10.06.2004)	(12.11.2002)	
JP 2004-273168 A (E, X)	(30.09.2004)	(05.03.2003)	

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)